

J. GREGORY LOCKWOOD
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Judge Mary Alice Theiler
Hearing: 10/28/11

Attorney for Defendants

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH ANDREW HYLKEMA, a
single man,

Plaintiff,

v.

ASSOCIATED CREDIT SERVICE,
INCORPORATED, a Washington
corporation; LINDA DOE and
JOHN DOE, husband and wife and
the marital community thereof,
jointly and severally,

Defendants.

NO. C11-0211

DECLARATION OF J. GREGORY
LOCKWOOD IN SUPPORT OF
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT

I, J. Gregory Lockwood, hereby declare as follows:

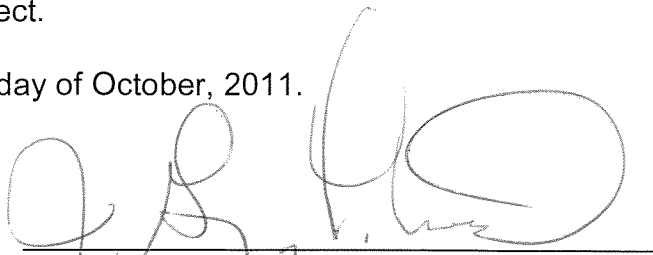
1. I am over the age of eighteen years, and am competent to testify. I am the attorney for Defendants. I make the following statements based upon my personal knowledge.

2. Attached hereto is a true and correct copy of the transcript of the January 19, 2011 telephone conversation between Plaintiff Joseph Andrew Hylkema and Defendant Associated Credit Service, Incorporated.

1 I declare under penalty of perjury under the laws of the State of Washington
2 that the foregoing is true and correct.

3 Dated at Spokane this 5th day of October, 2011.

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J. Gregory Lockwood

CERTIFICATE OF SERVICE

I, J. GREGORY LOCKWOOD, hereby certify that on October 5, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Joseph Andrew Hylkema

and I hereby certify that I have mailed by United State Postal Service the document to the following non-CM/ECF participants:

none

/s/ J. Gregory Lockwood

J. GREGORY LOCKWOOD

WSBA 20629

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Attorney for Defendants

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH ANDREW HYLKEMA,
a single man,

Plaintiff

v.

NO. C11-0211

ASSOCIATED CREDIT SERVICE,
INCORPORATED, a Washington
corporation; LINDA DOE and
JOHN DOE, husband and wife
and the marital community
thereof, jointly and severally,

Defendants

TRANSCRIPTION OF TELEPHONE CALL
Pages 1 to 12

Transcribed by:

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[The following is a transcription of a
telephone call as provided by Joseph Hylkelma.]

MR. HYLKEMA: I'm calling about an account.

ASSOCIATED CREDIT SERVICE: Is it for you?

MR. HYLKEMA: Yes.

ASSOCIATED CREDIT SERVICE: What was your
name?

MR. HYLKEMA: Joe Hylkema.

ASSOCIATED CREDIT SERVICE: Can you spell your
last name?

MR. HYLKEMA: H Y L K E M A.

ASSOCIATED CREDIT SERVICE: Do you know your
account number?

MR. HYLKEMA: I might have an account number
here. 206-822.

ASSOCIATED CREDIT SERVICE: We're collecting
from you?

MR. HYLKEMA: Yes.

ASSOCIATED CREDIT SERVICE: Just a minute.

(Pause.)

MS. LINDA ARBUCKLE: This is Linda. How can I
help you?

MR. HYLKEMA: Yes. I'm calling about an
account.

MS. LINDA ARBUCKLE: Okay. Do you have the

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account number?

MR. HYLKEMA: 206-822.

MS. LINDA ARBUCKLE: That's not one of our account numbers. What is your social?

MR. HYLKEMA: I can give you my last name. It's Hylkema, H Y L K --

MS. LINDA ARBUCKLE: Just one second. H Y?

MR. HYLKEMA: L K E M A.

MS. LINDA ARBUCKLE: What's the address that would be on the file?

MR. HYLKEMA: On Market Street.

MS. LINDA ARBUCKLE: That's not what we have.

MR. HYLKEMA: Well, it's an account that says Health Services Northwest.

MS. LINDA ARBUCKLE: Okay. I have the account up. It's just that you're not being able to verify any information.

MR. HYLKEMA: Okay. Well, my last address was on Market Street. It could be on Peace Portal Drive. Do you have that?

MS. LINDA ARBUCKLE: No.

MR. HYLKEMA: I can give you my date of birth.

MS. LINDA ARBUCKLE: Okay. What's that?

MR. HYLKEMA: April 20, 1973.

MS. LINDA ARBUCKLE: Okay. How can I help

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1 you?

2 MR. HYLKEMA: First off. Who are you and
3 what's this about?

4 MS. LINDA ARBUCKLE: This is Associated
5 Credit. We're a collection agency. Health Services
6 Northwest is a hospital, and the debt is for Sacred
7 Heart Medical Center.

8 MR. HYLKEMA: Okay.

9 MS. LINDA ARBUCKLE: Do you need any other
10 information? Were you going to be setting up a payment
11 plan?

12 MR. HYLKEMA: Well, yeah. First off, how much
13 is allegedly owing?

14 MS. LINDA ARBUCKLE: It's 353.99?

15 MR. HYLKEMA: 353.99. When was this alleged
16 debt allegedly incurred?

17 MS. LINDA ARBUCKLE: 11/12/07?

18 MR. HYLKEMA: At Sacred Heart Hospital?

19 MS. LINDA ARBUCKLE: Yep.

20 MR. HYLKEMA: I don't remember going to the
21 hospital then. I actually dispute this debt.

22 MS. LINDA ARBUCKLE: Okay. Just make sure you
23 get it in writing for legal purposes. Because if an
24 account is not paid after so many days, it ends up
25 going in for lawsuit. So to avoid that you just want

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1 to get that sent in in writing.

2 MR. HYLKEMA: This is on my credit right now.
3 Now that I've told you it's disputed, you have to
4 report it as being disputed.

5 MS. LINDA ARBUCKLE: Yeah. Once we get it in
6 writing.

7 MR. HYLKEMA: No. Once I tell you on the
8 phone. Once I place you on notice orally that it's
9 disputed, you have to report it as disputed.

10 MS. LINDA ARBUCKLE: Okay. But we don't have
11 any reason why you're disputing it. That's why we need
12 it in writing. I can go ahead and mark it, but it can
13 still go in for lawsuit. I'm just trying to help you,
14 not start an argument here.

15 MR. HYLKEMA: You're saying you guys are going
16 to take me to court on this?

17 MS. LINDA ARBUCKLE: No. I'm just saying if
18 you are disputing it and there's no payment and we
19 don't get any dispute in writing, then it could go in
20 for suit. I'm just trying to tell you what could
21 happen.

22 MR. HYLKEMA: Okay. Okay. But there's not
23 really a -- there's not a very good chance of that
24 happening?

25 MS. LINDA ARBUCKLE: I wouldn't be able to

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1 tell you that.

2 MR. HYLKEMA: Okay. Okay. Well, that's
3 unfortunate. Hello, hello?

4 MS. LINDA ARBUCKLE: I'm here.

5 MR. HYLKEMA: I said that's unfortunate.

6 MS. LINDA ARBUCKLE: I thought you said hello,
7 hello. Sorry.

8 MR. HYLKEMA: First I said, well, that's
9 unfortunate.

10 MS. LINDA ARBUCKLE: How do you want me to
11 respond to that, sir?

12 MR. HYLKEMA: Also doesn't Sacred Heart
13 Hospital have a charity care policy whereby a person if
14 they aren't able to pay can get the bill written off?

15 MS. LINDA ARBUCKLE: Only if you follow the
16 credit procedures, yes, they do. It looks like that
17 wasn't done.

18 MR. HYLKEMA: Well, I can still follow those
19 procedures, correct?

20 MS. LINDA ARBUCKLE: I don't know. This is
21 not the hospital. I said this is Associated Credit, a
22 collection agency for the hospital.

23 MR. HYLKEMA: I know very well who this is,
24 ma'am.

25 MS. LINDA ARBUCKLE: Sorry. You had asked me

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1 who it was earlier. So I wasn't sure.

2 MR. HYLKEMA: I wanted to make sure. I know
3 very well who this is. I know your lawyer is Paul 18
4 Cent Wasson.

5 MS. LINDA ARBUCKLE: I don't know who that is,
6 sorry.

7 MR. HYLKEMA: Paul Wasson, your lawyer, he's
8 the guy who received international press coverage
9 because he sued a woman over an 18 cent check.

10 MS. LINDA ARBUCKLE: So his name is Paul 18
11 Cent Wasson?

12 MR. HYLKEMA: His name is Paul Wasson. So you
13 are telling me on this recorded phone call that --

14 MS. LINDA ARBUCKLE: I'm sorry, sir. You
15 didn't advise me that this call is being recorded. I
16 would have to release the call now. You are by law
17 required to let us know if it is.

18 MR. HYLKEMA: Well, you're recording it.

19 MS. LINDA ARBUCKLE: I didn't say I was. The
20 call may be recorded, but that's not a guaranty that it
21 is at all times.

22 MR. HYLKEMA: You're saying it may -- you're
23 conceded that it may be recorded?

24 MS. LINDA ARBUCKLE: No. Just like every
25 company. Sir, this has nothing to do with the bill.

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1 I'm not going to sit here and argue with you. What is
2 it that you want done on here?

3 MR. HYLKEMA: What I want done --

4 MS. LINDA ARBUCKLE: I have other people that
5 I have to talk to.

6 MR. HYLKEMA: I am aware of that, ma'am. What
7 I want done is, one, I know what this bill is for now.
8 I don't agree with it.

9 MS. LINDA ARBUCKLE: Okay.

10 MR. HYLKEMA: I dispute the bill because I
11 don't remember going to the hospital at that time.

12 MS. LINDA ARBUCKLE: Would you like me to
13 request an itemized statement that will show everything
14 and even your signature for the consent to treat?

15 MR. HYLKEMA: Would that come from you or come
16 from the hospital?

17 MS. LINDA ARBUCKLE: The hospital would need
18 to send that over to us.

19 MR. HYLKEMA: Okay. But that would go through
20 your office then?

21 MS. LINDA ARBUCKLE: That is correct.

22 MR. HYLKEMA: Which would mean your office
23 would then have access to my confidential medical
24 records?

25 MS. LINDA ARBUCKLE: Do you know how

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1 collection agencies work, sir?

2 MR. HYLKEMA: Yes, I do. I know very well how
3 collection agencies work.

4 MS. LINDA ARBUCKLE: Okay.

5 MR. HYLKEMA: Did the letters FDCPA mean
6 anything to you?

7 MS. LINDA ARBUCKLE: Yes, they do. But what
8 does this have to do with you getting this disputed or
9 sending in a letter of dispute? I don't understand.

10 MR. HYLKEMA: Here's the thing. You're on
11 notice that I'm disputing this account because it's
12 currently reported to the credit bureau as undisputed.
13 I have my Experian credit report up in front of me.

14 MS. LINDA ARBUCKLE: I will note the account,
15 but can you get that in writing for us for legal
16 procedures?

17 MR. HYLKEMA: I don't have to.

18 MS. LINDA ARBUCKLE: I will go ahead and note
19 for the account that you are disputing it. Was there
20 anything else that I can help you with?

21 MR. HYLKEMA: I would like to know what the
22 procedure is to get this written off.

23 MS. LINDA ARBUCKLE: You're not going to get
24 it written off with a collection agency. You can pay
25 it and it will be reported as paid. But other than

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1 that, we don't have anything to do with writing
2 anything off unless it's paid.

3 MR. HYLKEMA: But I can contact the hospital.

4 MS. LINDA ARBUCKLE: Of course you can. I
5 didn't say you couldn't.

6 MR. HYLKEMA: But I can contact the hospital
7 and deal with it through them, right?

8 MS. LINDA ARBUCKLE: If you feel like it.

9 MR. HYLKEMA: That would be the best course of
10 action. Not the best course of action for you, but it
11 would be the best course of action for me.

12 MS. LINDA ARBUCKLE: Usually when people tell
13 us that, they do call right back and they told them the
14 hospital referred them to us. So you can do what you
15 want. I'm not telling you you cannot do anything if
16 that's what you're implying.

17 MR. HYLKEMA: But you're implying somehow that
18 I'm not --

19 MS. LINDA ARBUCKLE: Quit trying to put words
20 in my mouth, sir. I will note in your account that
21 you're disputing. I'm not going to go around and
22 around in circles because you're just trying to start
23 something. I'm going to note the account like you
24 asked me to. Do you want me to request those itemized
25 statements? Yes or no. I can note the account.

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MR. HYLKEMA: I'll request them on my own through the hospital. I don't feel comfortable --

MS. LINDA ARBUCKLE: Any other questions or any other help you need?

MR. HYLKEMA: I don't feel comfortable with your company with my confidential medical records.

MS. LINDA ARBUCKLE: Okay. Well, then it should have been paid before it came to a collection agency, sir.

MR. HYLKEMA: Well, I wasn't in a position to do so. I'm sorry.

MS. LINDA ARBUCKLE: That's why it's important to follow up with the charity --

MR. HYLKEMA: Well, what's unfortunate is I don't live in a country like say Canada where they have universal health care. But that's neither here nor there.

MS. LINDA ARBUCKLE: I don't have time for this, sir. I'm going to go ahead and note the account. You have a nice day.

MR. HYLKEMA: One more thing.

[WHEREUPON the conversation terminated.]

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REPORTER'S CERTIFICATE

I, JOAN M. SNOVER, the undersigned Certified Court Reporter, do hereby certify:

That the testimony and/or proceedings, a transcript of which is attached, was transcribed by me to the best of my ability; that the foregoing transcript contains a full, true, and accurate transcription of all the proceedings given; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND AND SEAL this 10th day of September 2011.

JOAN M. SNOVER, CCR/RMR/CRR

Certified Court Reporter

CCR No.: 2567(WA) / 745(ID)

<p>A</p> <p>ability 12:6</p> <p>able 3:16 5:25 6:14</p> <p>access 8:23</p> <p>account 2:3,13,14 2:24 3:1,4,13 3:15 4:24 9:11 9:14,19 10:20 10:23,25 11:19</p> <p>accurate 12:7</p> <p>action 10:10,10 10:11</p> <p>address 3:9,18</p> <p>advise 7:15</p> <p>agencies 9:1,3</p> <p>agency 4:5 6:22 9:24 11:9</p> <p>agree 8:8</p> <p>ahead 5:12 9:18 11:19</p> <p>alleged 4:15</p> <p>allegedly 4:13,16</p> <p>ANDREW 1:6</p> <p>and/or 12:4</p> <p>April 3:24</p> <p>ARBUCKLE 2:21,25 3:3,7,9 3:12,15,21,23 3:25 4:4,9,14 4:17,19,22 5:5 5:10,17,25 6:4 6:6,10,15,20,25 7:5,10,14,19,24 8:4,9,12,17,21 8:25 9:4,7,14 9:18,23 10:4,8 10:12,19 11:3,7 11:12,18</p> <p>argue 8:1</p> <p>argument 5:14</p> <p>asked 6:25 10:24</p> <p>Associated 1:10 2:4,6,9,12,16,19 4:4 6:21</p>	<p>attached 12:5</p> <p>Avenue 1:22</p> <p>avoid 4:25</p> <p>aware 8:6</p> <p>B</p> <p>back 10:13</p> <p>best 10:9,10,11 12:6</p> <p>bill 6:14 7:25 8:7 8:10</p> <p>birth 3:22</p> <p>bureau 9:12</p> <p>C</p> <p>C 1:22</p> <p>call 1:15 2:2 7:13 7:15,16,20 10:13</p> <p>calling 2:3,23</p> <p>Canada 11:15</p> <p>care 6:13 11:16</p> <p>cause 12:11</p> <p>CCR 12:17</p> <p>CCR/RMR/CRR 1:21 12:16</p> <p>cent 7:4,9,11</p> <p>Center 4:7</p> <p>CERTIFICATE 12:1</p> <p>Certified 12:2,17</p> <p>certify 12:3</p> <p>chance 5:23</p> <p>charity 6:13 11:13</p> <p>check 7:9</p> <p>circles 10:22</p> <p>collecting 2:16</p> <p>collection 4:5 6:22 9:1,3,24 11:8</p> <p>come 8:15,15</p> <p>comfortable 11:2 11:5</p> <p>community 1:12</p> <p>company 7:25</p>	<p>11:6</p> <p>conceded 7:23</p> <p>confidential 8:23 11:6</p> <p>consent 8:14</p> <p>contact 10:3,6</p> <p>contains 12:7</p> <p>conversation 11:22</p> <p>corporation 1:11</p> <p>correct 6:19 8:21</p> <p>counsel 12:10</p> <p>country 11:15</p> <p>course 10:4,9,10 10:11</p> <p>court 1:3 5:16 12:3,17</p> <p>coverage 7:8</p> <p>credit 1:10 2:4,6 2:9,12,16,19 4:5 5:2 6:16,21 9:12,13</p> <p>currently 9:12</p> <p>C11-0211 1:9</p> <p>D</p> <p>date 3:22</p> <p>day 11:20 12:12</p> <p>days 4:24</p> <p>deal 10:7</p> <p>debt 4:6,16,21</p> <p>Defendants 1:13</p> <p>dispute 4:21 5:19 8:10 9:9</p> <p>disputed 5:3,4,9 5:9 9:8</p> <p>disputing 5:11,18 9:11,19 10:21</p> <p>DISTRICT 1:3,4</p> <p>DOE 1:11,11</p> <p>Drive 3:19</p> <p>E</p> <p>E 1:22 2:11 3:8</p> <p>earlier 7:1</p> <p>ends 4:24</p>	<p>event 12:11</p> <p>Experian 9:13</p> <p>F</p> <p>Fax 1:23</p> <p>FDCPA 9:5</p> <p>feel 10:8 11:2,5</p> <p>file 3:10</p> <p>financial 12:10</p> <p>First 4:2,12 6:8</p> <p>follow 6:15,18 11:13</p> <p>following 2:1</p> <p>foregoing 12:6</p> <p>front 9:13</p> <p>full 12:7</p> <p>G</p> <p>getting 9:8</p> <p>give 3:5,22</p> <p>given 12:8</p> <p>go 5:12,13,19 8:19 9:18 10:21 11:19</p> <p>going 4:10,20,25 5:15 8:1,11 9:23 10:21,23 11:19</p> <p>good 5:23</p> <p>guaranty 7:20</p> <p>guy 7:8</p> <p>guys 5:15</p> <p>H</p> <p>H 2:11 3:6,7</p> <p>HAND 12:12</p> <p>happen 5:21</p> <p>happening 5:24</p> <p>health 3:14 4:5 11:16</p> <p>Heart 4:7,18 6:12</p> <p>hello 6:3,3,6,7</p> <p>help 2:22 3:25 5:13 9:20 11:4</p> <p>hospital 4:6,18 4:21 6:13,21,22</p>	<p>8:11,16,17 10:3 10:6,14 11:2</p> <p>husband 1:11</p> <p>Hylkelma 2:2</p> <p>Hylkema 1:6 2:3 2:5,8,8,11,14,18 2:23 3:2,5,6,8 3:11,13,18,22 3:24 4:2,8,12 4:15,18,20 5:2 5:7,15,22 6:2,5 6:8,12,18,23 7:2,7,12,18,22 8:3,6,10,15,19 8:22 9:2,5,10 9:17,21 10:3,6 10:9,17 11:1,5 11:10,14,21</p> <p>I</p> <p>ID 1:24</p> <p>implying 10:16 10:17</p> <p>important 11:12</p> <p>INCORPORA... 1:10</p> <p>incurred 4:16</p> <p>Indiana 1:22</p> <p>information 3:17 4:10</p> <p>interest 12:10</p> <p>international 7:8</p> <p>itemized 8:13 10:24</p> <p>J</p> <p>Joan 1:21 12:2 12:16</p> <p>Joe 2:8</p> <p>JOHN 1:11</p> <p>jointly 1:12</p> <p>Joseph 1:6 2:2</p> <p>K</p> <p>K 2:11 3:6,8</p> <p>know 2:12 6:20</p>
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